

MINUTES
BARBERING AND COSMETOLOGY EXAMINING BOARD MEETING
MONDAY, JUNE 3, 2002

PRESENT: Bruce Bennett, Karen Kraus, Laura Jenkins, Lee Martinez, Leon Lauer
(left at 1:00 P.M.), Lorraine Norem, Marville Martin

EXCUSED: Barb Flaherty, Denise Svetley

STAFF PRESENT: Mary Forseth, Wayne Austin, Grace Schwingel, and Pam Haack

CALL TO ORDER

Lee Martinez, Vice-Chair, called the meeting to order at 9:40 a.m. A quorum of 7 members was present.

ADOPTION OF AGENDA

The following items were added to the agenda:

Secretary Herrera to address the Board.

Katharine Hildebrand to talk about Board Member Workshop.

Transition to Trainer, #6 – move to after 11:00 a.m. when Wayne Austin is present.

Add as 8c., information on licensing exam for ESL students.

14.a. Monitoring Report: Hung V. Bui, 00-BAC-070.

14.c. STIPULATIONS: Susie S. Tram, 00 BAC 095; Ymelda Quintanilla, 01 BAC 032; 01 BAC 032 Regis Corp., DBA Mastercuts #4875, Darlene E. Bigelow, 01 BAC 053; Peggy Hansen, 01 BAC 104

MOTION: Karen Kraus moved, seconded by Marville Martin, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES (4/8/2002)

Under Practice Issues, page 3 of minutes, it should read: "Joanne Kornitz attended the annual meeting of the National Cosmetology Association of Wisconsin on April 7th . . . "

MOTION: Leon Lauer moved, seconded by Laura Jenkins, to approve the minutes of 4/8/2002, as amended. Motion carried unanimously.

SECRETARY OSCAR HERRERA

Oscar Herrera addressed the Board. In regards to the Board's concerns about the "shampoo bill," Secretary Herrera explained that the Department considers the Boards interests and attempts to support the Board while considering the protection of the citizens of the state of Wisconsin.

Other issues discussed were budget, the reorganization of the Department services, consolidating the Department into four areas: DOE; Board Services; Credentialing, and Administration/Management.

ADMINISTRATIVE REPORT

Katharine Hildebrand discussed the Board Member Workshop that will be held on Tuesday, June 25, 2002, at the Crowne Plaza Hotel on East Washington Ave., in Madison.

The Regulatory Digest, with the continuing education survey in it, has been sent to the printer, and will be ready to be mailed soon. It was noted that the term "practitioner" used on the continuing education survey, 1st sentence, 2nd paragraph, includes "licensees."

The results from the Department's Open Session Newsletter to the Boards and Committees have been computed, identifying areas within the department that are serving the boards well and those areas that need some improvement. The survey will be distributed again in six months.

Board Roster

The Board Roster was approved as written.

2002 Meeting Dates

2002 meeting dates were approved as published. The Board's next meeting date is Monday, August 5, 2002.

Summary of Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules

This report is for informational purposes only.

Monthly Press Releases – List of Disciplinary Orders

The monthly press release and disciplinary order is for informational purposes only.

ADMINISTRATIVE RULES

Public Hearing, 10:00 a.m. - Wayne Austin, Pamela Haack

Lee Martinez read the hearing notice. Board and staff members introduced themselves. The question was raised about attorney fees being attached to license fees. Mary Forseth stated that this is not relevant to the rule the Board is discussing, indicating that fees are defined by statute. Mary advised anyone with a concern about the fee formula to contact their legislator. A discussion of the fee structure will be put on the agenda for the Board's next meeting.

MOTION: Bruce Bennett moved, seconded by Marville Martin, to adjourn the hearing. Motion carried unanimously.

At the Board's next meeting, there will be a draft of the amended rules with Clearinghouse comments added and corrections made.

Pam Haack reviewed the rule-making process and will work out a schedule to enable the Board to get this rule out by August 1, 2002.

5/31/02 Memo from Wayne Austin to Board re: Admin. Rule Revisions-Leased Chairs or Booths

Wayne Austin reviewed issues raised in his memo dated 5/31/02, and made several recommendations regarding the possibility of lessees who don't qualify for a manager's license being put in the position of being unable to continue their practice.

MOTION: Bruce Bennett moved, seconded by Leon Lauer, to require that from the day the law goes into effect, every new practitioner renting a chair shall have a managers license and an establishment license for that chair. Practitioners currently renting a chair when this law goes into effect will have two years to come into compliance with the law. Motion carried unanimously.

APPRENTICESHIP PROGRAM, LEE MARTINEZ

5/28/2002 letter from Kathy Schauer, Waukesha County Technical College

There was a lengthy discussion concerning whether or not the Board has the right to impose curriculum requirements. There was a concern about requiring all managers to have specific training but there was also another concern about stratifying the license if there are different requirements within the same license. There was a diversity of opinion among Board members on this issue, with some board members preferring everyone to be educated, whether or not they will use the education, and other board members who object to requiring practitioners to take courses they never intend to use. The question was raised, Do we want to become a profession, which requires more education, or remain a trade?

There was a discussion regarding whether it would be appropriate for the Bureau of Apprenticeship Standards (BAS) in the Department of Workforce Development, to include the Transition to Trainer in their program requirements rather than having it be the Board's requirement. The Board would like to look into this possibility further.

MOTION: Bruce Bennett moved, seconded by Marvile Martin, that we recommend that the Bureau of Apprenticeship Standards (BAS) adopt the curriculum called "Transition to Trainer" or a similar curriculum for the training

manager and signer of the apprenticeship contract in Barber Cosmetology. Motion carried unanimously.

The Board would like to have BAS come back to its next meeting to discuss the issue of training requirements further. Ken Moore from BAS will attend the next Board meeting for an update. Regarding the 1800 hours requirement, it has been noted that Barbering & Cosmetology students pay a significant amount of money for their training to enable them to go out and get minimum wages. There was an interest in discussing the possibility of getting students through the education process in fewer hours to enable them to start working sooner or is there a way to get students working in the field before the 1800 hours requirement is met.

PRACTICE ISSUES

Report from the Continuing Education Committee, Karen Kraus

Karen Krause gave a report on the Continuing Education Committee meeting. The next meeting of the Committee will be on August 5, 2002.

MOTION: Bruce Bennett moved, seconded by Marvile Martin, to make recommendations for continuing education requirements that clarify the disciplinary process utilizing continuing education as well as to set standards for continued licensure in the various areas. Motion carried unanimously.

MOTION: Leon Lauer moved, seconded by Lee Martinez, to accept the mission statement as written. Motion carried unanimously.

Licensing by Reciprocity and Notification of BAC Rules, Judy Mender

Judy Mender reviewed reciprocity agreements with other states. Wisconsin's licensure requirement is that applicants must be licensed in another state, with no discipline on their record and have 4,000 hours of licensed experience, which must be actual practice time in an establishment or salon.

A question was raised regarding a practice issue. There was an instance of the Board issuing a practitioner a disciplinary action, requiring the practitioner to take 20 hours of sanitation education but the student was not able to find a school that offered the 20 hours of education that was required. The individual should write to the Board requesting an extension of time. The Board and DOE need to work together to ensure that something we require is actually available.

EXAMINATIONS

Report on Exam Contract, Joel Garb

Joel Garb confirmed that the exam contract has been awarded to CTS.

Administration Responsibilities for Practitioner Exam, Karen Kraus/Barb Showers

Barb Showers reviewed her memo of 5/20/02 to the Board dealing with the proposal of giving the Board exam in the schools so that students would be able to get their diploma and license when they graduate. The statutes state that the boards must be involved in the exam process. Wayne Austin clarified that a statutory change would be required to change this requirement.

Information on licensing exam for ESL students

There will be a Spanish version of the exam in January. The Board decided to table this issue and discuss it again at its next meeting.

LEGISLATIVE UPDATE

Consider Legislative Issues for Next Legislative Session, Lee Martinez - no discussion.

BOARD MEMBER ACTIVITY

Barb Flaherty, NIC Region II Meeting, License Fragmentation Committee, New Orleans, LA, June 1 and 2, 2002

Barb Flaherty, Chair, is traveling from the NIC Region II meeting in New Orleans and will report to the Board on the Regional Meeting at its next Board meeting.

Leon Lauer noted that Lorraine Norem's term will end in July 2002, and praised the work Lorraine has done for the Board during her term of office.

DIVISION OF ENFORCEMENT

Nothing to report

LEGAL COUNSEL REVIEW

Discussed earlier in meeting.

NEW BUSINESS

E-mail (5/31/2002) from Barbara Schuler, to Karen Kraus, Subject: Implementation of Statewide curriculum (red folder)

For informational purposes

Form for Regulatory Digest articles (red folder-last item)

For informational purposes

**PRESENTATION OF PROPOSED STIPULATIONS BY PROSECUTORS OR ANY
THAT MAY BE SUBMITTED AFTER PRINTING OF AGENDA**

Proposed stipulations were discussed in closed session.

CLOSED SESSION

MOTION: Leon Lauer moved, seconded by Bruce Bennett, to convene to closed session to deliberate on cases involving hearings (s. 19.85 (11)(a), Stats.); to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.) The motion was approved by a role call vote: Bruce Bennett, Karen Kraus, Laura Jenkins, Lee Martinez, Lorraine Norem, Marvile Martin. Motion carried unanimously.

Open Session adjourned at 12:50 a.m.

The Board deliberated on monitoring reports, proposed stipulations, case closings and case status reports.

RECONVENE TO OPEN SESSION

MOTION: Leon Lauer moved, seconded by Bruce Bennett, to reconvene into open session at 1:30 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

STIPULATIONS

MOTION: Bruce Bennett moved, seconded by Karen Krause, to adopt the Findings of Fact, Conclusions of Law, Order in the matters concerning Bach Phan and Thu Phuong Cao, d/b/a Nail Arts (Racine) 01 BAC 068; Tyrone A. Harrison (Milwaukee) 00 BAC 025; and Hoa T. Bui, d/b/a Model Nails (Eau Claire) 00 BAC 063. Motion carried unanimously.

MOTION: Lee Martinez moved, seconded by Karen Krause, to adopt the Findings of Fact, Conclusions of Law, Order in the matters concerning the following cases: 00 BAC 095; 01 BAC 032; 01-BAC 032; 01 BAC 053; 01 BAC 104. Motion carried unanimously.

MONITORING REPORT

HUNG V. BUI, 00-BAC-070

MOTION: Lee Martinez moved, seconded by Marvile Martin, to open a new case for Hung V. Bui, charging him with non compliance of board order. Motion carried unanimously.

CASE CLOSINGS AND CASE STATUS REPORT

MOTION: Bruce Bennett moved, seconded by Karen Krause, to accept the decisions of department staff on the following case closures, as discussed in closed session. Motion carried unanimously.

- 01 BAC 044 closed for insufficient evidence.
- 01 BAC 087 closed for prosecutorial discretion. Compliance gained.
- 01 BAC 102 closed for insufficient evidence.
- 01 BAC 095 closed for no violation.
- 02 BAC 033 closed for no violation

NEXT MEETING AGENDA ITEMS

Items for the Board's next agenda: fee formula, Ken Moore update on DWD apprenticeship program, number of hours from exam date to date of notification of exam scores.

ADJOURNMENT

MOTION: Bruce Bennett moved, seconded by Karen Krause, to adjourn the meeting at 1:40 p.m. Motion carried unanimously.